

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction – December 21, 2004  
Public Hearing – January 11, 2005

**CONTACT PERSON/PHONE:** Jorge E. Rousselin, 541-4723

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance granting Special Permit No. ZON04-00141, to allow for infill development on A Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Miguel Hernandez. (District 1)

**BACKGROUND / DISCUSSION:**

See attached staff report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00141, TO ALLOW FOR INFILL DEVELOPMENT ON A PORTION OF TRACT 17C, LOT 17, EL CANUTILLO ACREAGE LOTS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**WHEREAS, Miguel Hernandez**, the Applicant, has applied for a Special Permit under Section 20.14.040 of the El Paso Municipal Code, to allow for infill development conforming with Section 20.08.207 of the El Paso Municipal Code;

**WHEREAS**, a report was made to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS**, the City Plan Commission has recommended approval of the subject Special Permit; and

**WHEREAS**, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the property described as follows is in an **R-4 (Residential)** District:

*A Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and*

2. That Infill development is authorized by Special Permit in **R-4 (Residential)** districts under Section 20.14.040 of the El Paso Municipal Code; and

3. That the requirements for infill development under Section 20.14.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.14.040 of the El Paso Municipal Code, to allow for infill development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-4 (Residential)** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00141** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this \_\_\_\_\_ day of **January, 2005**.

THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**(Signatures continued on following page)**

APPROVED AS TO CONTENT:

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Jorge E. Rousselin, Urban Planner  
Planning, Research & Development

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Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

APPROVED AS TO FORM:

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Matt Watson, Assistant City Attorney

## PROPERTY DESCRIPTION

April 5, 2000

Being the description of a portion of Tract 17C out of Lot 17, El Canutillo Acreage Lots, City of El Paso, El Paso County Texas, being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" rebar with plastic cap set on the common boundary of said Lot 17 and Lot 18, El Canutillo Acreage Lots, for the Southeast and beginning corner of this parcel, from which the Southeast corner of Lot 17 bears, South 89°52'22" East, 287.48 feet;

THENCE North 89°52'22" West, with said common boundary, a distance of 50.00 feet to a 1/2" rebar with plastic cap set at the South common corner of Tract 17C and Tract 17D, El Canutillo Acreage Lots, for the Southeast corner of this parcel;

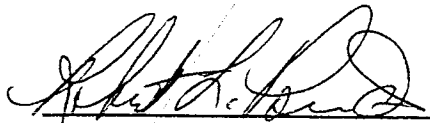
THENCE North 0°07'38" East, with the common boundary of Tracts 17C and 17D, at 30.00 feet pass the North boundary of a 30 feet wide easement, continuing for a total distance of 142.15 feet to a 1/2" rebar with plastic cap set for the Northwest corner of this parcel;

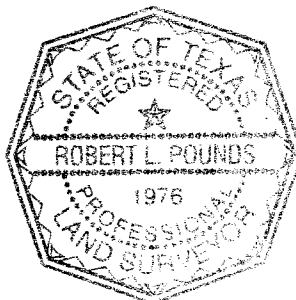
THENCE South 89°52'22" East, a distance of 50.00 feet to a 1/2" rebar with plastic cap set for the Northeast corner of this parcel;

THENCE South 0°07'38" West, at 112.15 feet pass the North boundary of said 30 feet wide easement, continuing for a total distance of 142.15 feet to the point of beginning.

CONTAINING 5,607 SQUARE FEET OR 0.1287 ACRES OF LAND.  
A PLAT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

7,107 SQUARE FEET (TOTAL AREA)  
-1,500 SQUARE FEET (AREA IN 30 FEET WIDE EASEMENT)  
5,607 SQUARE FEET (NET AREA)

  
Robert L. Pounds  
Registered Professional Land Surveyor



## PROPERTY DESCRIPTION

April 5, 2000

Being the description of a portion of Tract 17C out of Lot 17, El Canutillo Acreage Lots, City of El Paso, El Paso County Texas, being more particularly described by metes and bounds as follows;

BEGINNING at an "X" chiseled in a concrete sidewalk on the South right-of-way of Mowad Road, at the Northeast corner of said Tract 17C, for the Northeast and beginning corner of this parcel, from which the Northeast corner of Lot 17 bears South 89°52'22" East, 237.44 feet;

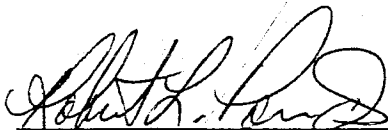
THENCE South 0°07'38" West, with the common boundary of said Tract 17C and Tract 17B, said El Canutillo Acreage Lots, a distance of 112.15 feet to a 1/2" rebar with plastic cap set for the Southeast corner of this parcel;

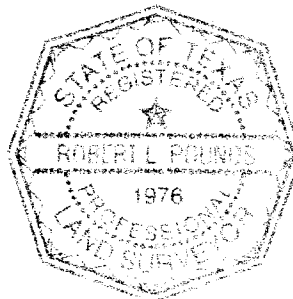
THENCE North 89°52'22" West, a distance of 50.00 feet to a 1/2" rebar with plastic cap set for the Southwest corner of this parcel;

THENCE North 0°07'38" East, a distance of 112.15 feet to an "X" chiseled in a concrete sidewalk on the South right-of-way of Mowad Road, for the Northwest corner of this parcel;

THENCE South 89°52'22" East, with the South right-of-way of Mowad Road, a distance of 50.00 feet to the point of beginning.

CONTAINING 5,607 SQUARE FEET OR 0.1287 ACRES OF LAND.  
A PLAT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

  
Robert L. Pounds  
Registered Professional Land Surveyor



**AGREEMENT**

**Miguel Hernandez**, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the **R-4 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By: \_\_\_\_\_

Acknowledgment

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

      This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_ as \_\_\_\_\_, on behalf of **Miguel Hernandez**, as Applicant.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



**GEORGE G. SARMIENTO, AICP**  
DIRECTOR

**PLANNING, RESEARCH &  
DEVELOPMENT DEPARTMENT**

December 13, 2004

***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Jorge E. Rousselin

**SUBJECT:** ZON04-00141

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The City Plan Commission (CPC), on December 02, 2004, voted **7 - 0** to recommend **APPROVAL** of the proposed infill development, concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.



## **STAFF REPORT**

**Special Use Permit #:** ZON04-00141

**Property Owner(s):** Miguel Hernandez

**Applicant(s):** Same

**Representative(s):** Luis De La Cruz

**Legal Description:** Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots

**Location:** 196 Mowad

**Representative District:** # 1

**Area:** 0.502 Acres

**Zoning:** R-4 (Residential)

**Existing Use:** Residential

**Proposed Use:** 4 Single-family residential homes on infill lot

**Recognized Neighborhood Associations Contacted:** Texas Apache Nations Inc.  
Save the Valley

**Surrounding Land Uses:**

<b>North -</b>	R-4 (Residential) / Residences
<b>South -</b>	R-4 (Residential) / Residences
<b>East -</b>	R-4 (Residential) / Residences
<b>West-</b>	R-4 (Residential) / Residences

**Year 2025 Designation:** Residential (Northwest Planning Area)

## **Special Use Permit: ZON04-00141**

### **General Information:**

The applicant is requesting a special permit to the development of four (4) residences on an infill lot. The property is currently zoned R-4 (Residential). The site is currently Residential and is 0.502 acres in size. The proposed site plan shows four (4) lots with an approximate area of 5,607.5 square feet (112.25' x 50') each. Access is proposed via Mowad Rd. There are no zoning conditions currently imposed on this property. The proposed project qualifies for infill development under 20.08.207 by the following:

- The subdivision was platted in 1911 and 1912
- The subject property is located within the Enterprise Zone

### **Information to the Commission:**

The Planning, Research & Development Department has received no phone calls or letters in support or opposition to this application.

### **Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request with the following condition(s).

*“That the applicant shall coordinate the residential development with the Engineering Department to address flooding concerns on the site.”*

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

**The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **Residential** land uses.

R-4 (Residential) zoning permits by special permit.

The Commission must determine the following:

- A. Will the special permit for protect the best interest, health, safety and welfare of the public in general?

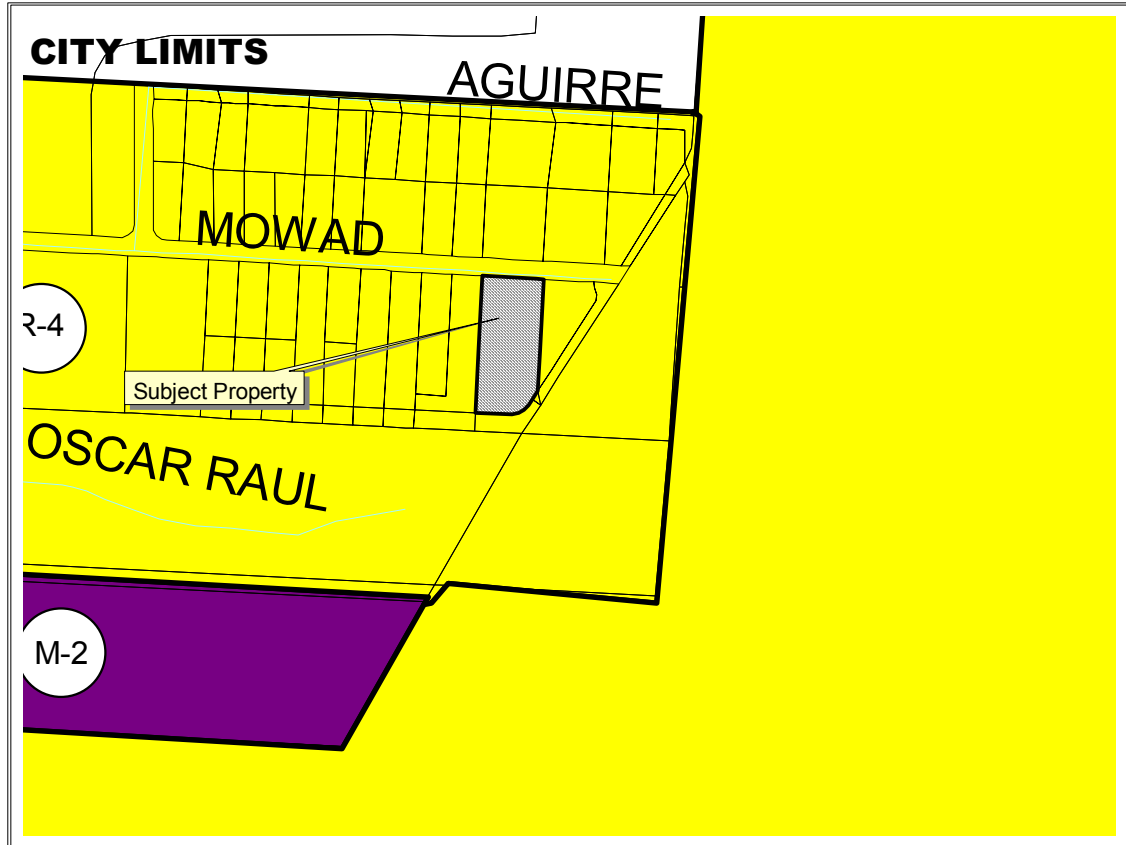
### **Information To The Applicant:**

- Building Permits and Inspections Department, Zoning Division Notes:
  - Building Permits & Inspections does not object to the proposed 4 single family residential homes on infill lot, provided it meets all non-conforming requirements, land subdivided prior to annexation, building, setbacks, uses, etc.
- Engineering Department, Development Division Notes:
  - See attachment 1
  - Coordinate the residential development with the Engineering Department to address flooding concerns on the site
- Engineering, Traffic Division Notes:
  - See attachment 2
- Fire Department Notes:
  - No comments submitted
- El Paso Water Utilities Notes:
  - No comments submitted
- Planning, Research and Development Department Notes:
  - Coordinate flooding issues with the Engineering Department

**ATTACHMENT:** Location Map; Site Plan; Department Comments

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

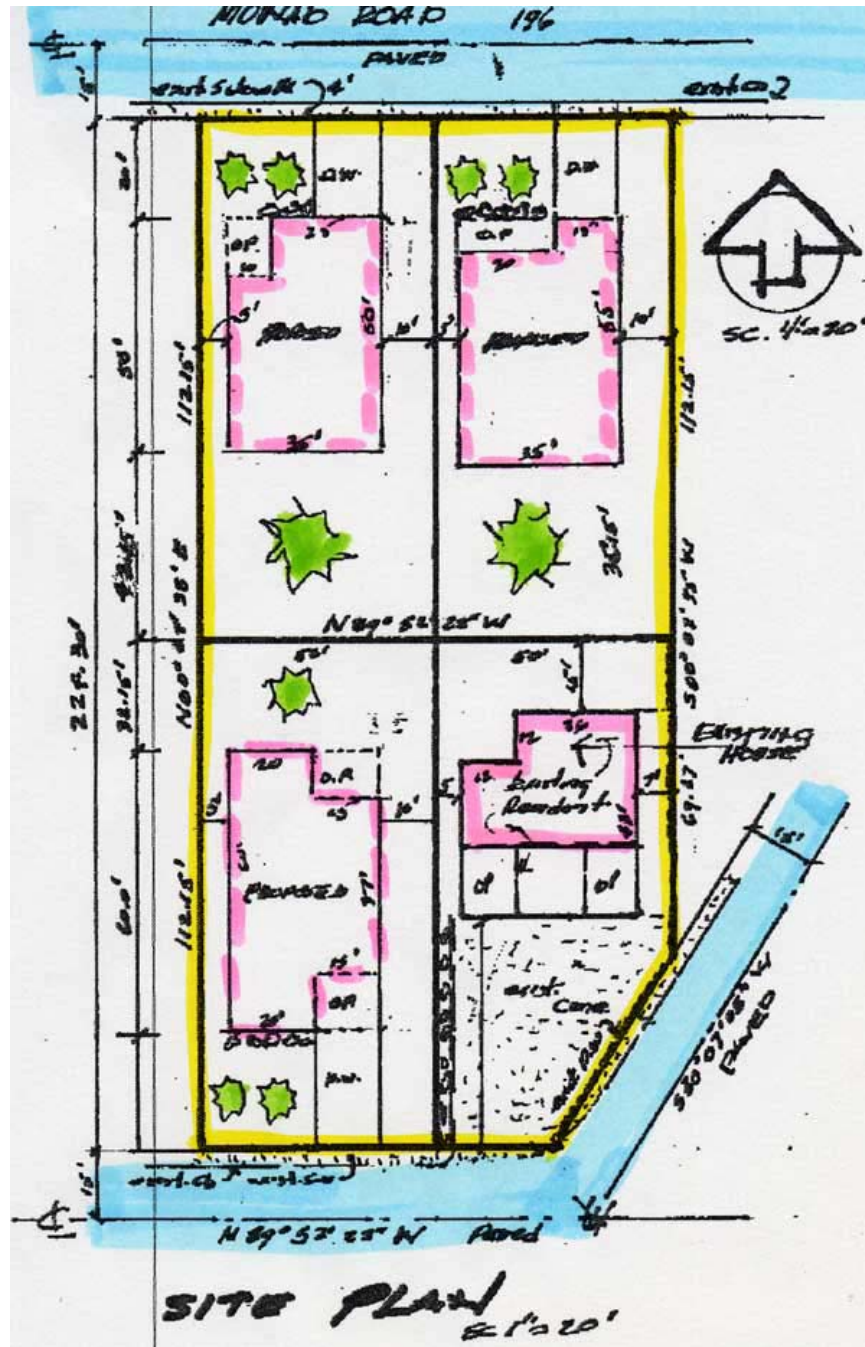
## LOCATION MAP



# AERIAL



## SITE PLAN



TO: **PLANNING DEPARTMENT**

FROM: **ENGINEERING DEPARTMENT**

ATTN: **Kimberly Forsyth, Fred Lopez,**  
**Housing**  
**or Jorge Rousellin, Urban Planners**

DATE: **November 12, 2004**

ADDRESS: **196 Mowad Rd.**

PROPOSED USE: **Single Fam**

**CASE NO.: ZON04-00141 ZONE: R-4**

**REQUEST: Special Use Permit review – 4 Single family residential homes on infill lot.**

**LEGAL DESCRIPTION: Portion of Trzact 17C, Lot 17, El Canutillo Acreage Lots**

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Sidewalks will be required,
- ☒ 4. Grading plan and permit required.
- ☒ 5. Storm Water Pollution Prevention details required.
- ☐ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto \_\_\_\_\_
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is **not** located within the Special Flood Hazard Area. Zone **X**, Panel **480212 25 B**.

Bashar Abugalyon, P. E.  
Chief Development Engineer

DISTRICT: **1**

JOE WARDY  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**RICK CONNER**  
CITY ENGINEER



November 12, 2004

**ENGINEERING DEPARTMENT**

**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
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DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

**TO:** Fred Lopez, Planner II/Zoning Coordinator  
Kimberly Forsyth, Planner II  
Jorge Rousselin, Planner I

**COPY TO:** Land Development

**FROM:** Traffic Division

**SUBJECT:** ZONO4-00141 196 Mowad  
Special Use Permit

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Regarding the above referenced DCC item, the Engineering Department has the following comments:

- **No apparent traffic concerns with the proposed Special Use Permit.**

**NOTE: Driveways and sidewalks shall comply with City's Ordinance.**  
Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina at 541-4223.



## INTEROFFICE MEMORANDUM

To: Kimberly Forsyth  
Urban Planner/Land Development

From: El Paso Water Utilities - Engineering

Date: November 29, 2004

Subject: **ZON04 - 00141 (Special Use Permit)**

Location: 196 Mowad Street (the Property).

Present: R-4 (Residential); Residential

Request: 4 single-family residential homes on infill lot

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We have reviewed the site plan described above and provide the following comments:

### General

Water and sanitary sewer mains exist along Mowad Road, as well as along South Aguirre Loop, and are available to provided service.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.